

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 782

Introduced by Kiel, 9; Coordsen, 32; Crosby, 29; C. Peterson, 35;
Price, 26; Schimek, 27; Suttle, 10

Read first time January 20, 1999

Committee: Education

A BILL

1 FOR AN ACT relating to deaf and hard of hearing persons; to amend
2 sections 20-150, 20-151, 20-156, 20-159, and 71-4727,
3 Reissue Revised Statutes of Nebraska, and sections
4 71-4720.01, 71-4728, and 71-4732, Revised Statutes
5 Supplement, 1998; to provide for the licensure of
6 interpreters; to provide intent; to redefine a term; to
7 create a board; to provide powers and duties; to provide
8 for a civil penalty and appeal procedures; to harmonize
9 provisions; and to repeal the original sections.
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 20-150, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 20-150. (1) The Legislature hereby finds and declares
4 that it is the policy of the State of Nebraska to secure the rights
5 of deaf and hard of hearing persons who cannot readily understand
6 or communicate in spoken language and who consequently cannot
7 equally participate in or benefit from proceedings, programs, and
8 activities of the courts, law enforcement personnel, and
9 legislative bodies unless qualified interpreters are available to
10 assist them.

11 (2) It is the intent of the Legislature that by September
12 1, 2001, all interpreters working in the State of Nebraska be
13 licensed as qualified by the Commission for the Deaf and Hard of
14 Hearing. Prior to September 1, 2000, the commission shall (a)
15 develop qualified interpreter guidelines for distribution, (b)
16 develop training to implement the guidelines, (c) adopt and
17 promulgate rules and regulations to implement the guidelines and
18 requirements for licensed interpreters, and (d) develop a roster of
19 licensed interpreters for use in referrals and other
20 interpreter-related matters.

21 (3) It is the intent of the Legislature to assure that
22 qualified educational interpreters are provided to deaf and hard of
23 hearing children in kindergarten-through-grade-twelve public school
24 districts, and educational service units, and postsecondary
25 educational institutions. Prior to September 1, 1998, the The
26 State Department of Education, in cooperation with the Commission
27 for the Deaf and Hard of Hearing, shall develop qualified
28 educational interpreter guidelines for distribution as well as a

1 training program to implement the guidelines. By September 1,
2 2000, the State Department of Education shall adopt and promulgate
3 rules and regulations to implement the guidelines and requirements
4 for qualified educational interpreters, and such rules and
5 regulations shall apply to all qualified educational interpreters
6 employed for the 2001-02 school year and all school years
7 thereafter.

8 Sec. 2. Section 20-151, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 20-151. As used in sections 20-150 to 20-159, unless the
11 context otherwise requires:

12 (1) Appointing authority means the Legislature, a
13 legislative committee, law enforcement personnel, or any court of
14 the state required to provide a qualified interpreter pursuant to
15 sections 20-150 to 20-159;

16 (2) Auxiliary aid includes, but is not limited to,
17 qualified sign language interpreters, oral interpreters, other
18 interpreters, notetakers, transcription services, written
19 materials, assistive listening devices, assisted listening systems,
20 videotext displays, and other visual delivery systems;

21 (3) Deaf or hard of hearing person means a person whose
22 hearing impairment, with or without amplification, is so severe
23 that he or she may have difficulty in auditorily processing spoken
24 language without the use of an interpreter or a person with a
25 fluctuating or permanent hearing loss which may adversely affect
26 the ability to understand spoken language without the use of an
27 interpreter or an auxiliary aid;

28 (4) Intermediary interpreter means any person, including

1 any deaf or hard of hearing person, who is able to assist in
2 providing an accurate interpretation between spoken English and
3 sign language or between variants of sign language in order to
4 facilitate communication between a deaf or hard of hearing person
5 and a qualified interpreter;

6 (5) Oral interpreter means a person who interprets
7 language through facial expression, body language, and mouthing;

8 (6) Qualified interpreter means a person who (a)
9 demonstrates proficiencies in interpretation or transliteration,
10 (b) ~~and~~ is able to interpret effectively, accurately, and
11 impartially, both receptively and expressively, using any necessary
12 specialized vocabulary, and (c) is licensed as a qualified
13 interpreter by the Commission for the Deaf and Hard of Hearing; and

14 (7) Tactile interpreter means a person who interprets for
15 a deaf-blind person. The degree of deafness and blindness will
16 determine the mode of communication to be used for each person.

17 Sec. 3. Section 20-156, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 20-156. (1) The Commission for the Deaf and Hard of
20 Hearing shall be the agency assigned full responsibility for the
21 process of evaluation, granting of licensure, and maintenance of a
22 roster of licensed interpreters. The commission shall create the
23 Interpreter Review Board pursuant to section 8 of this act to set
24 policies and procedures for evaluation and licensing of
25 interpreters. The commission may recognize the evaluation and
26 certification programs of the Nebraska Quality Assurance Screening
27 Test, the National Registry of Interpreters for the Deaf, the
28 National Association of the Deaf, the Educational Interpreter

1 Performance Assessment, and similar assessment programs as a means
2 to carry out the duty of evaluating interpreters' skills.

3 (2) The commission shall establish and charge reasonable
4 fees for licensure of interpreters, including applications,
5 renewals, modifications, and record keeping, pursuant to sections
6 20-150 to 20-159. All fees collected pursuant to this section by
7 the commission shall be remitted to the State Treasurer for credit
8 to the Commission for the Deaf and Hard of Hearing Fund. Such fees
9 shall be disbursed for payment of expenses related to this section.

10 (3) The Commission for the Deaf and Hard of Hearing
11 commission shall prepare and maintain a list roster of the various
12 types of qualified interpreters as provided by section 71-4728.
13 licensed interpreters and the employment for which they are
14 licensed. Each qualified licensed interpreter shall provide his or
15 her social security number to the commission. Nothing in sections
16 20-150 to 20-159 shall be construed to prevent any appointing
17 authority from contracting with a qualified interpreter on a
18 full-time employment basis.

19 (4) The commission may revoke an interpreter's license if
20 the interpreter has violated rules and regulations of the
21 commission. The Interpreter Review Board shall serve as a board of
22 inquiry in matters of license revocation. The commission through
23 the Interpreter Review Board shall investigate claims of the use of
24 unlicensed interpreters by any state agency or political
25 subdivision. The commission shall notify in writing any state
26 agency determined to be employing unlicensed interpreters in
27 violation of sections 20-150 to 20-159 and shall monitor such
28 agency to prevent future violations. The commission shall notify

1 in writing any political subdivision determined to be employing
2 unlicensed interpreters in violation of such sections and may fine
3 such political subdivision not more than five hundred dollars per
4 violation. The commission shall notify in writing such unlicensed
5 interpreters of each violation and shall inform the offending
6 interpreters of the training and licensure requirements.

7 (4) Any decisions of the commission pursuant to this
8 section shall be subject to review according to the Administrative
9 Procedure Act. Any fines collected by the commission pursuant to
10 this section shall be remitted to the State Treasurer for credit to
11 the permanent school fund.

12 Sec. 4. Section 20-159, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 20-159. A qualified interpreter appointed pursuant to
15 sections 20-150 to 20-159 is entitled to a fee for professional
16 services and other relevant expenses. The as approved by the
17 governing body of the appointing authority. When appropriate, the
18 appointing authority may shall use fee guidelines established by a
19 recognized registry of interpreters for ~~the~~ deaf and hard of
20 hearing persons. When the qualified interpreter is appointed by a
21 court, the fee shall be paid out of the general fund of the county
22 in which such proceedings take place. When the qualified
23 interpreter is appointed by an appointing authority other than a
24 court, the fee shall be paid out of funds available to the
25 governing body of the appointing authority.

26 Sec. 5. Section 71-4720.01, Revised Statutes Supplement,
27 1998, is amended to read:

28 71-4720.01. For purposes of this section and sections

1 71-4720 to 71-4733 and section 8 of this act:

2 (1) Commission means Commission for the Deaf and Hard of
3 Hearing;

4 (2) Deaf means a hearing impairment, with or without
5 amplification, which is so severe that the person with the
6 impairment may have difficulty in auditorily processing spoken
7 language without the use of an interpreter; and

8 (3) Hard of hearing means a hearing loss, permanent or
9 fluctuating, which may adversely affect the ability to understand
10 spoken language without the use of an interpreter or auxiliary aid.

11 Sec. 6. Section 71-4727, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 71-4727. The commission may employ any other employees
14 it considers necessary to carry out the purposes of sections
15 71-4720 to 71-4732 and section 8 of this act.

16 Sec. 7. Section 71-4728, Revised Statutes Supplement,
17 1998, is amended to read:

18 71-4728. The commission shall serve as the principal
19 state agency responsible for monitoring public policies and
20 implementing programs which shall improve the quality and
21 coordination of existing services for deaf or hard of hearing
22 persons and promote the development of new services when necessary.
23 To perform this function the commission shall:

24 (1) Inventory services available for meeting the problems
25 of persons with a hearing loss and assist such persons in locating
26 and securing such services;

27 (2) License and maintain a roster of licensed
28 interpreters pursuant to section 20-156. The roster shall be made

1 available to local, state, and federal agencies and shall be used
2 for referrals to private organizations and individuals seeking
3 interpreters;

4 ~~(3)~~ (3) Prepare and maintain a statewide list of persons
5 qualified in various types of interpreting and make this
6 information available to local, state, and federal agencies;

7 ~~(3)~~ (4) Promote the training of interpreters for deaf or
8 hard of hearing persons;

9 ~~(4)~~ (5) Provide counseling to deaf or hard of hearing
10 persons or refer such persons to private or governmental agencies
11 which provide counseling services;

12 ~~(5)~~ (6) Conduct a voluntary census of deaf or hard of
13 hearing persons in Nebraska and compile a current registry;

14 ~~(6)~~ (7) Promote expanded adult educational opportunities
15 for deaf or hard of hearing persons;

16 ~~(7)~~ (8) Serve as an agency for the collection of
17 information concerning deaf or hard of hearing persons and for the
18 dispensing of such information to interested persons by collecting
19 studies, compiling bibliographies, gathering information, and
20 conducting research with respect to the education, training,
21 counseling, placement, and social and economic adjustment of deaf
22 or hard of hearing persons and with respect to the causes,
23 diagnosis, treatment, and methods of prevention of impaired
24 hearing;

25 ~~(8)~~ (9) Appoint advisory or special committees when
26 appropriate for indepth investigations and study of particular
27 problems and receive reports of findings and recommendations;

28 ~~(9)~~ (10) Assess and monitor programs for services to deaf

1 or hard of hearing persons and make recommendations to those state
2 agencies providing such services regarding changes necessary to
3 improve the quality and coordination of the services;

4 ~~(10)~~ (11) Make recommendations to the Governor and the
5 Legislature with respect to modification in existing services or
6 establishment of additional services for deaf or hard of hearing
7 persons;

8 ~~(11)~~ (12) Promote awareness and understanding of the
9 rights of deaf or hard of hearing persons;

10 ~~(12)~~ (13) Promote statewide communication services for
11 deaf or hard of hearing persons; and

12 ~~(13)~~ (14) Assist deaf or hard of hearing persons in
13 accessing comprehensive mental health, alcoholism, and drug abuse
14 services.

15 Sec. 8. The commission shall appoint the Interpreter
16 Review Board as required in section 20-156. The board shall
17 consist of the following members:

18 (1) The Commissioner of Education or his or her designee;

19 (2) The Director of Health and Human Services or his or
20 her designee;

21 (3) Two deaf or hard of hearing persons;

22 (4) Two licensed interpreters;

23 (5) Two members representing local government; and

24 (6) One member representing the public at large who has
25 knowledge of deaf and hard of hearing issues.

26 The director of the commission, or his or her designee,
27 shall serve as an ex officio member. The board shall establish
28 policies and procedures for evaluating and licensing interpreters,

1 including, but not limited to, testing, training, grievances, and
2 license revocation pursuant to section 20-156. A member, with the
3 exception of the director, shall not serve on the board for more
4 than three consecutive years. Members of the board may be removed
5 by the commission for inefficiency, neglect of duty, or misconduct
6 in office, but only after delivering to such member a copy of the
7 charges and affording such member an opportunity to be publicly
8 heard in person, or by counsel, in his or her own defense, upon not
9 less than ten days' notice. The members of the board shall receive
10 no compensation but shall be reimbursed for their actual and
11 necessary expenses in attending meetings of the commission and in
12 carrying out their official duties as provided in this section and
13 section 20-156.

14 Sec. 9. Section 71-4732, Revised Statutes Supplement,
15 1998, is amended to read:

16 71-4732. There is hereby created a Commission for the
17 Deaf and Hard of Hearing Fund to consist of such funds as the
18 Legislature shall appropriate and any funds received under ~~section~~
19 sections 20-156 and 71-4731. The fund shall be used to administer
20 sections 20-156 and 71-4720 to 71-4732 and section 8 of this act.
21 Any money in the fund available for investment shall be invested by
22 the state investment officer pursuant to the Nebraska Capital
23 Expansion Act and the Nebraska State Funds Investment Act. ~~Any~~
24 ~~money in the Commission for the Hearing Impaired Fund on September~~
25 ~~13, 1997, shall be transferred to the Commission for the Deaf and~~
26 ~~Hard of Hearing Fund.~~

27 Sec. 10. Original sections 20-150, 20-151, 20-156,
28 20-159, and 71-4727, Reissue Revised Statutes of Nebraska, and

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1 sections 71-4720.01, 71-4728, and 71-4732, Revised Statutes
2 Supplement, 1998, are repealed.